

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

J.I.,

Plaintiff,

v.

THE ARCHDIOCESE FOR THE  
MILITARY SERVICES, U.S.A., a Maryland  
Religious Corporation; CORPORATION OF  
THE CATHOLIC ARCHBISHOP OF  
SEATTLE, a sole corporation, JOHN  
MURPHY, individually, and REINARD  
BEAVER, individually,

Defendants.

Case No. C05-5235RJB

ORDER GRANTING FEES and  
COSTS

This matter comes before the Court on Plaintiff's Motion for Fees and Costs. Dkt. 29. Plaintiff's motion is based on the Court's Order Granting Motion for Remand and Setting Briefing Schedules Re: Fees (Dkt. 11). *Id.* The Court has reviewed all documents filed in support of and in opposition to this motion, has reviewed the entire file, and is fully advised.

**I. BASIC and PROCEDURAL FACTS**

On November 19, 2004, Plaintiff filed suit in Pierce County Superior Court asserting several state claims against Defendants based on allegations of sex abuse which occurred around 1967 to 1972. Dkt. 12, at 5. Defendant Seattle Archdiocese removed this matter from Pierce County Superior Court on March 29, 2005 pursuant to 28 U.S.C. § 1452. Dkt. 1. On April 8, 2005 Plaintiffs moved to remand this matter to Pierce County Superior Court. Dkt. 11. Defendants opposed the motion for remand. Dkt. 18. This Court granted Plaintiff's motion for remand on May 11, 2005. Dkt. 25. The instant motion for fees and costs followed. Dkt. 29.

1 **II. DISCUSSION**

2 In relevant part, 28 U.S.C. § 1447(c) provides, “[a]n order remanding the case may  
3 require payment of just costs and any actual expenses, including attorney fees, incurred as a  
4 result of the removal.” Congress has unambiguously left the award of fees under 28 U.S.C. §  
5 1447(c) to the discretion of the district court. *Moore v. Permanente Medical Group, Inc.*, 981  
6 F.2d 443, 446 (9th Cir. 1992).

7 In opposing this motion for fees and costs, the Defendant Seattle Archdiocese argues, in  
8 essence, it acted in good faith in attempting to remove this matter to federal court. Dkt. 31.  
9 However, no finding of bad faith is necessary to award fees after remand under § 1447(c).  
10 *Moore* at 446. The Court notes, furthermore, that Plaintiff carefully pled this case to avoid  
11 federal jurisdiction. The Spokane Diocese is not a party. The removal was improvident and  
12 without jurisdictional basis, and the removal proceedings caused Plaintiff to incur fees and costs.

13 While the amount of fees and costs seem high, it is amply supported by Plaintiff, and not  
14 challenged in any specific way by Defendants in the responsive pleadings. The award of fees and  
15 costs are not sanctions, but simply an attempt to make Plaintiff whole. Plaintiff’s motion for  
16 award of fees and costs should be granted.

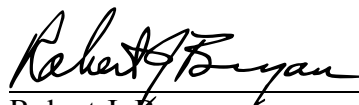
17 **III. ORDER**

18 Therefore, it is now

19 **ORDERED** that Plaintiff’s Motion for Fees and Costs (Dkt. 29) is **GRANTED**,  
20 specifically, Plaintiff is awarded \$14,000.50 in fees and \$265.81 in costs.

21 The Clerk of the Court is instructed to send uncertified copies of this Order to all  
22 counsel of record and to any party appearing *pro se* at said party’s last known address.

23 DATED this 20<sup>th</sup> day of June, 2005.

24  
25   
26 Robert J. Bryan  
U.S. District Judge